

## **CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 15, 2003 PLANNING COMMISSION MEETING**

**P.A.S.:** City/County Final Plat No.03016  
View Pointe North

**PROPOSAL:** A final plat consisting of 14 lots and 5 outlots.

**LOCATION:** N. 70<sup>th</sup> Street and Waverly Road..

**LAND AREA:** 257.08 acres, more or less.

**CONCLUSION:** Final plat is in conformance with the preliminary plat and Community Unit Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 5, 7, 35 and 36 I. T. located in Section 9, T10N, R7E of the 6th P.M., Lancaster County, Nebraska; metes and bounds description attached.

**EXISTING ZONING:** AG Agricultural in split City and Lancaster County Jurisdiction

**EXISTING LAND USE:** Farm land

### **SURROUNDING LAND USE AND ZONING:**

North: Agriculture, two dwellings, zoned AG

South: Agriculture and two dwellings, zoned AG

East: Agriculture and four dwellings, zoned AG

West Agriculture and one dwelling unit, zoned AG

**HISTORY:** View Pointe North Preliminary Plat and Community Unit Plan were approved by the Lancaster County Board on October 22, 2002 and the Lincoln City Council on February 10, 2003. Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

**UTILITIES:** There is no public sewer or water available. Individual wells and waste disposal are proposed.

**TRAFFIC ANALYSIS:** Highway 77/ N 56<sup>th</sup> street, one half mile west, is a paved four lane highway. Waverly Road is a paved county road. Mill Road on the north is a county gravel road. N 70<sup>th</sup> street is a gravel county road north of Waverly Road and a paved county road south of Waverly Road.

**ANALYSIS:**

1. The final plat conforms to the approved preliminary plat and community unit plan.
2. The County Engineer's letter of Sept 17, 2003 notes no direct objection, all improvements are in place.
3. This requires both City and County approval. The Planning Director can approve for the City. The County Board must approve for the County.

**CONDITIONS:**

1. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
  - 1.1 To submit to the County Engineer an erosion control plan.
  - 1.2 To protect the remaining trees on the site during construction and development.
  - 1.3 To submit to lot buyers and home builders a copy of the soil analysis.
  - 1.4 To complete the private improvements shown on the preliminary plat.
  - 1.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.
  - 1.6 To relinquish the right of direct vehicular access to Waverly Road except for Emmawalter Road and farm access to Out Lot "C". To relinquish the right of direct vehicular access to N. 70<sup>th</sup> Street except for Giebenrath Road and the existing driveway to Lot 5.

- 1.7 To comply with the provisions of the Land Subdivision Ordinance and Resolution regarding land preparation.
2. Submit a statement from the County Treasurer's office that there are no delinquent taxes against the land within the proposed subdivision and there are no liens for taxes which have been levied but which are not yet delinquent, and a statement that all special assessment installment payments are current as applied to said proposed subdivision. All taxes against the land have been paid and are current and there are no liens for taxes which have been levied but not yet delinquent.

Prepared by:

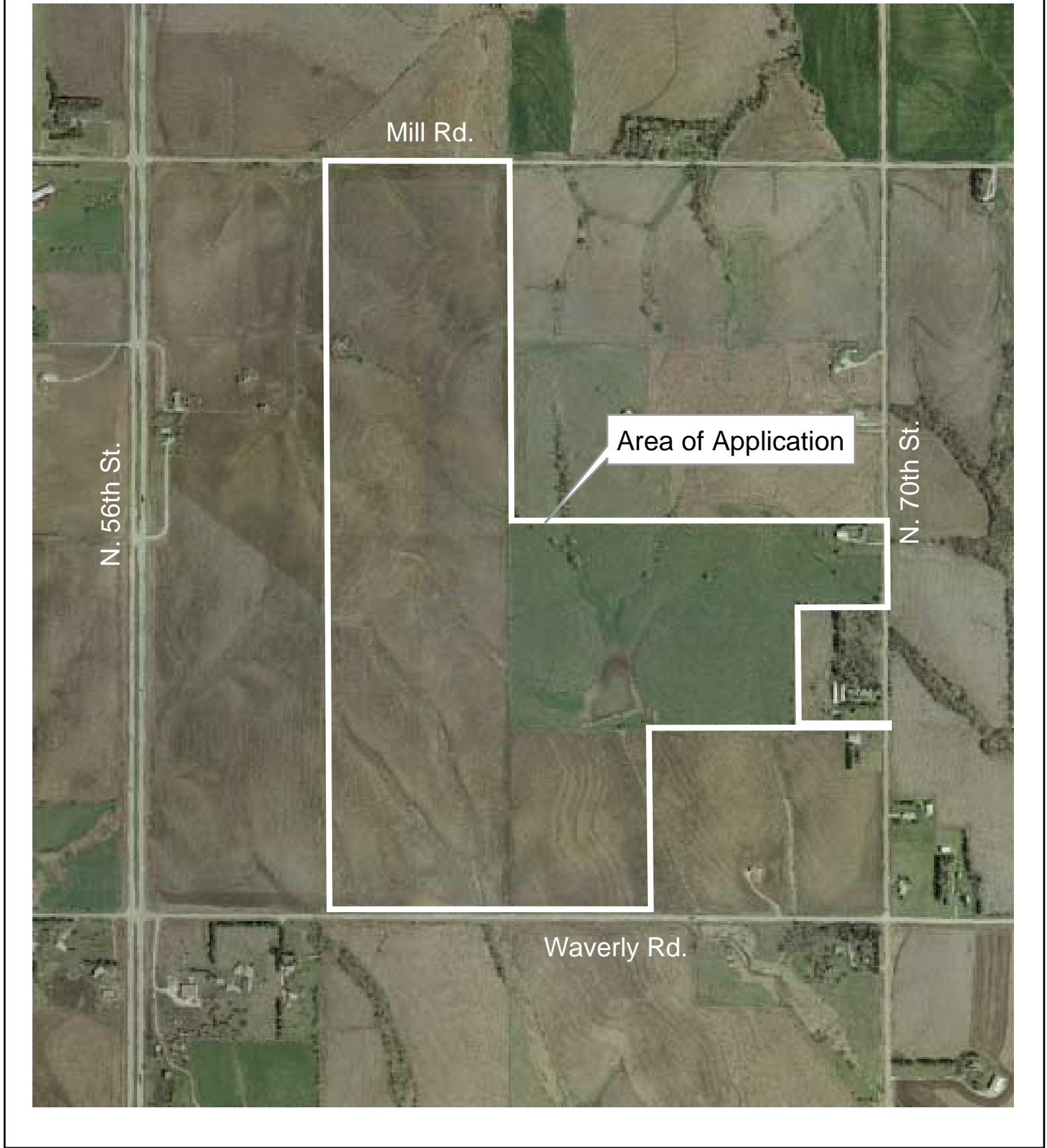
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Mike DeKalb  
Planner  
September 29, 2003

**APPLICANT:** Lyle Loth E.S.P.  
601 Old Cheney Road  
Lincoln, NE 68512  
(402) 421-2500

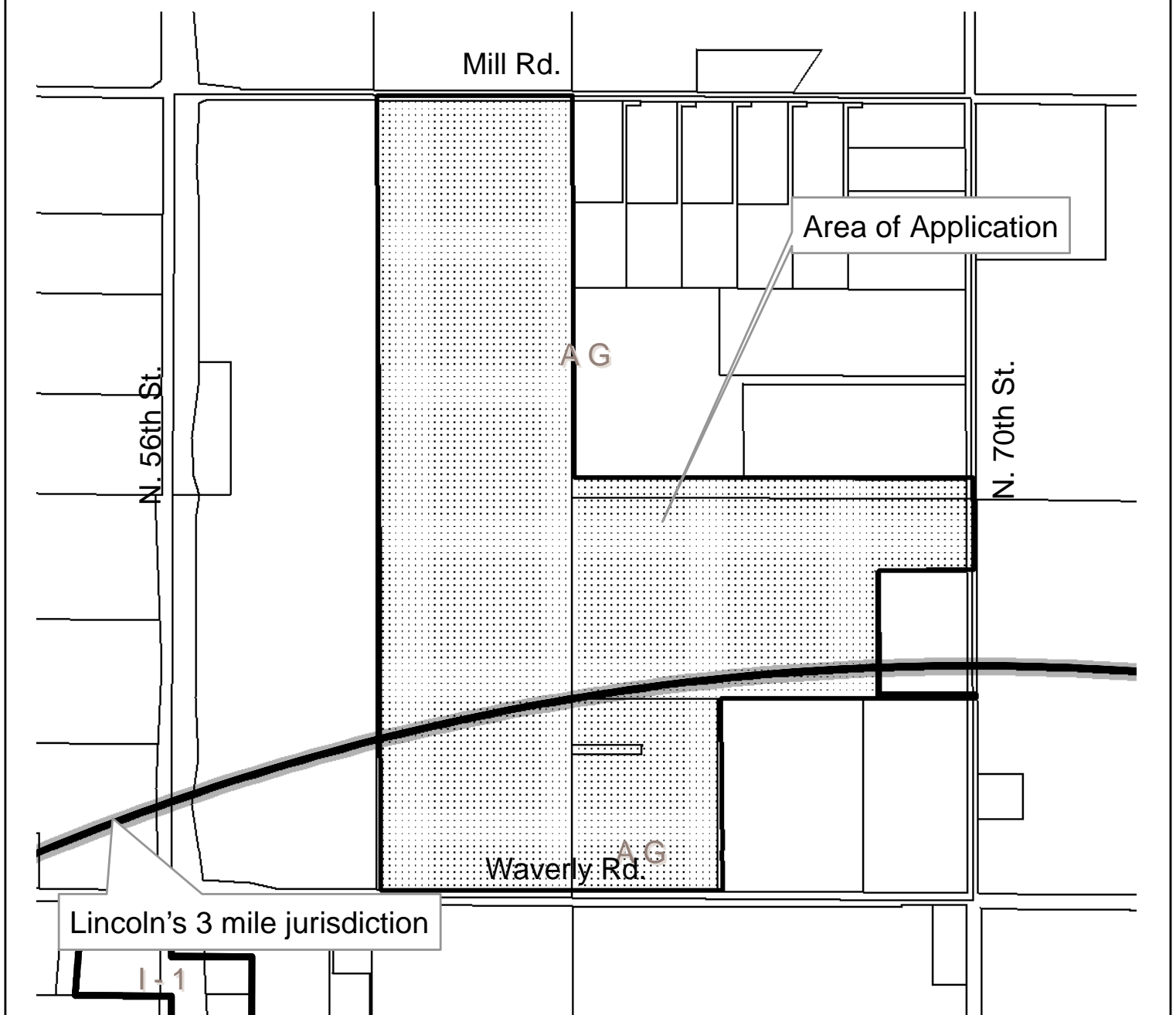
**OWNER:** Willard Giebenrath  
12605 North 70<sup>th</sup> Street  
Lincoln, NE 68517  
(402) 466-6811

**CONTACT:** Lyle Loth E.S.P.  
601 Old Cheney Road  
Lincoln, NE 68512  
(402) 421-2500



**County Final Plat #03016**  
**View Pointe North**  
**N. 70th & Waverly Rd.**



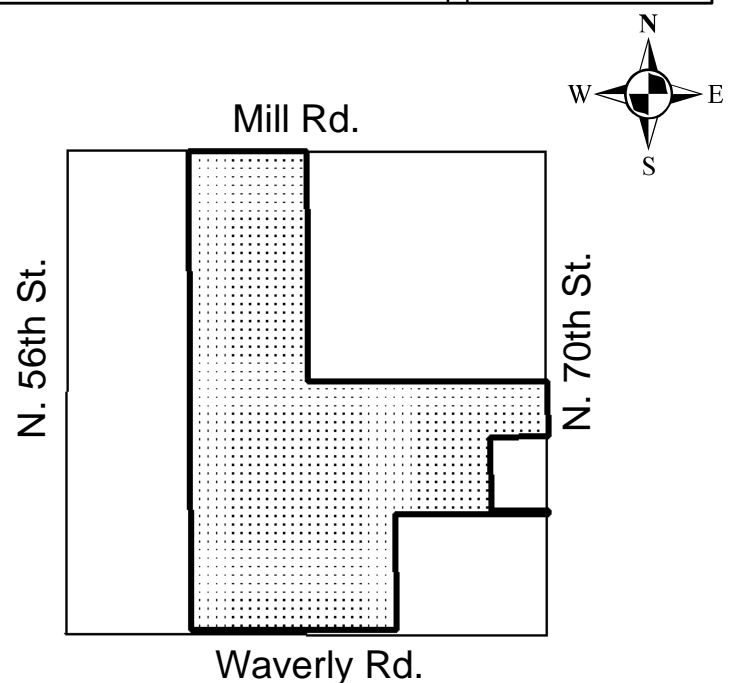
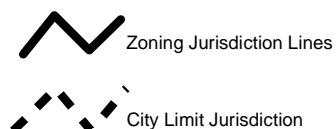


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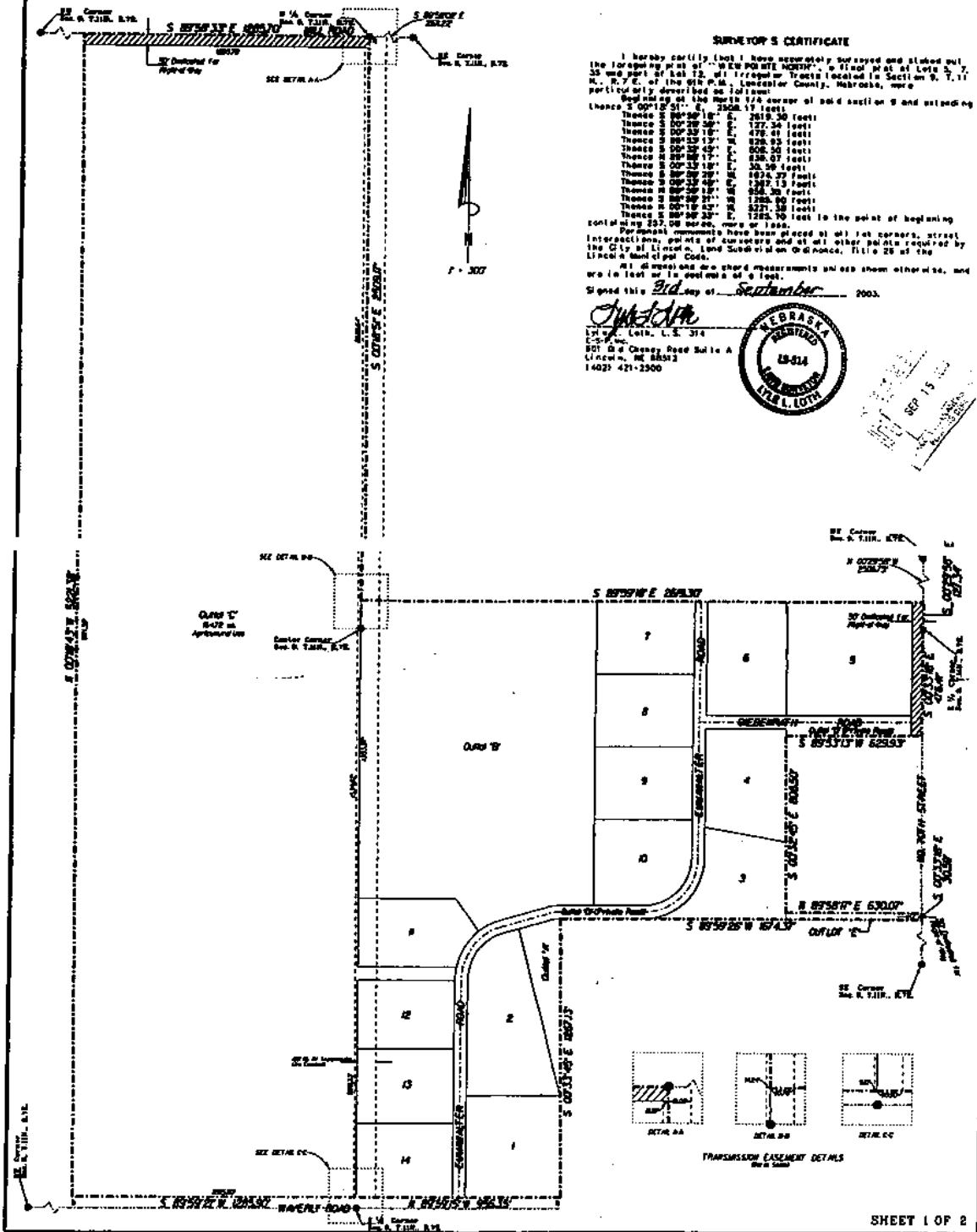
## **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 9 T11N R7E



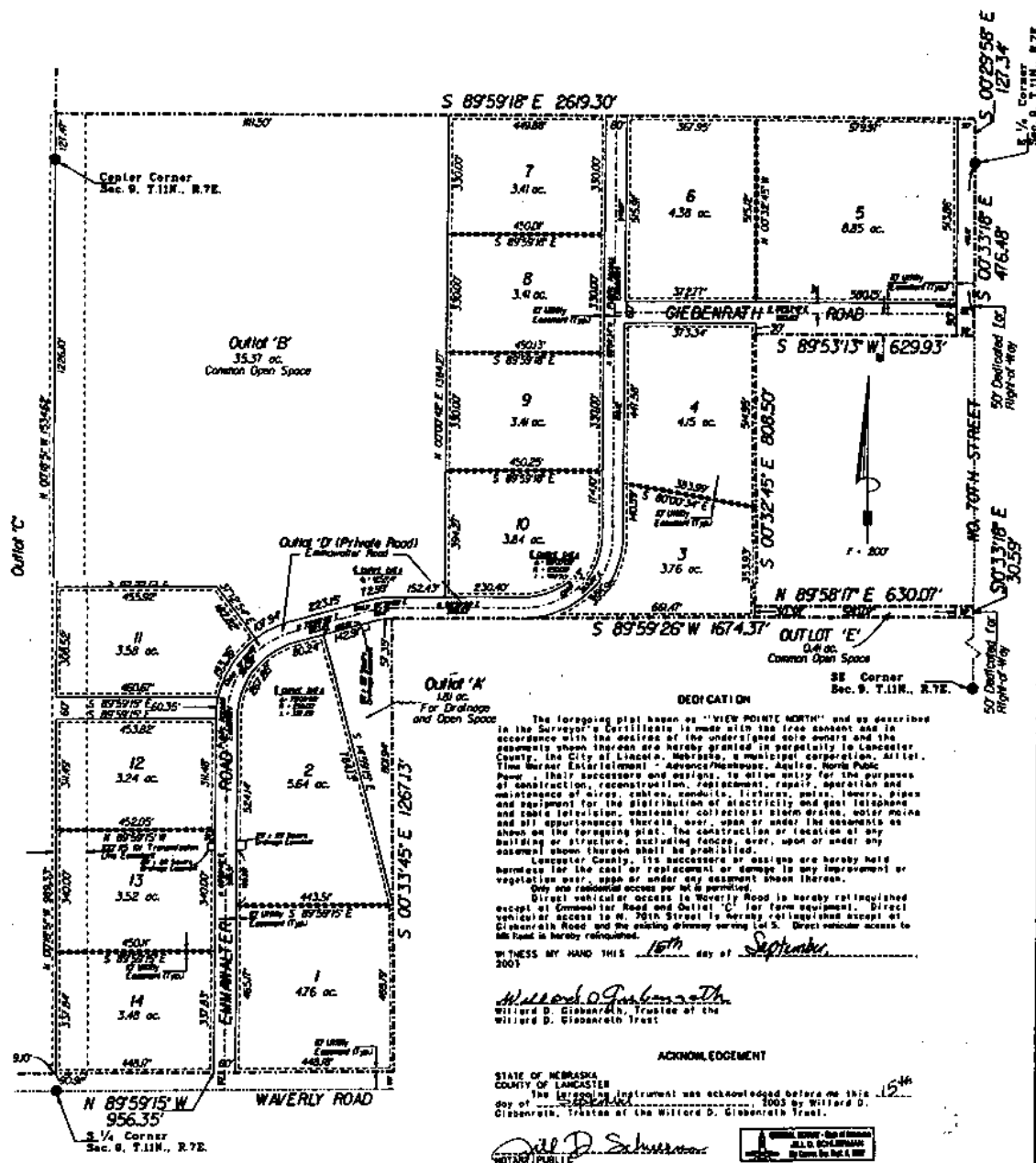
**VIEW POINTE  
NORTH**  
BASED ON VIEW POINTE NORTH  
PRELIMINARY PLAT NO. 02014



**County Final Plat #03016  
View Pointe North  
N. 70th & Waverly Rd.**

# VIEW POINTE NORTH

BASED ON VIEW POINTE NORTH  
PRELIMINARY PLAT NO. 02014



**DEDICATION**

The foregoing plat known as "VIEW POINTE NORTH" and as described in the Surveyor's Certificate is made with the free consent and in accordance with the desires of the undersigned sole owners and the easements shown thereon are hereby granted in perpetuity to Lancaster County, the City of Lincoln, Nebraska, a municipal corporation, all of the Time Warner Entertainment - Advance/Hemphill, Aquila, North Public Power, their successors and assigns, to allow only for the purposes of construction, reconstruction, replacement, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes and equipment for the distribution of electrically and gas, telephone and cable television, unobstructed collector storm drains, water mains and all appurtenances thereto, over, upon or under the easements as shown on the foregoing plat. The construction or location of any building or structure, including fences, over, upon or under any easement shown thereon shall be prohibited.

Lancaster County, its successors or assigns are hereby held harmless for the cost or replacement or damage to any improvement or vegetation over, upon or under any easement shown thereon.

Only one radiolocal access per lot is permitted.

Direct vehicular access to Waverly Road is hereby relinquished except at Gribbenrath Road and Outlet 'C' for farm equipment. Direct vehicular access to N. 70th Street is hereby relinquished except at Gribbenrath Road and the existing driveway serving Lot 5. Direct vehicular access to 8th Road is hereby relinquished.

WITNESS MY HAND THIS 15th day of September, 2003

*Willard D. Gribbenrath*  
Willard D. Gribbenrath, Trustee of the Willard D. Gribbenrath Trust

**ACKNOWLEDGEMENT**

STATE OF NEBRASKA  
COUNTY OF LANCASTER

The foregoing instrument was acknowledged before me this 15th day of September, 2003 by Willard D. Gribbenrath, Trustee of the Willard D. Gribbenrath Trust.

*Willard D. Gribbenrath*  
NOTARY PUBLIC

**COUNTY BOARD APPROVAL**

The foregoing plat and dedication was approved and accepted by the Lancaster County Board of Commissioners by Resolution No. 2003 Passed on the 15th day of September, 2003.

County Clerk

**PLANNING COMMISSION APPROVAL**

The Lincoln City Lancaster County Planning Commission has approved this final plat and accepted the offer of dedication on this 15th day of September, 2003 by Resolution No. 2003

ATTEST: \_\_\_\_\_  
Chair

County Final Plat #03016  
View Pointe North  
N. 70th & Waverly Rd.

### SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plot of "VIEW POINTE NORTH", a final plat of Lots 5, 7, 35 and part of Lot 12, all Irregular Tracts located in Section 9, T.11 N., R.7 E. of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the North 1/4 corner of said section 9 and extending thence S 00°18' 51" E, 2509.17 feet:

Thence S 89°58' 18" E, 2819.30 feet;  
Thence S 00°28' 58" E, 127.34 feet;  
Thence S 00°33' 18" E, 478.41 feet;  
Thence S 88°53' 13" W, 629.93 feet;  
Thence S 00°32' 45" E, 808.50 feet;  
Thence N 89°58' 17" E, 630.07 feet;  
Thence S 00°33' 18" E, 30.58 feet;  
Thence S 89°58' 28" W, 1874.37 feet;  
Thence S 00°33' 48" E, 1287.13 feet;  
Thence N 89°58' 15" W, 958.35 feet;  
Thence S 89°58' 21" W, 1285.90 feet;  
Thence N 00°18' 43" W, 5221.38 feet;  
Thence S 89°58' 33" E, 1285.70 feet to the point of beginning

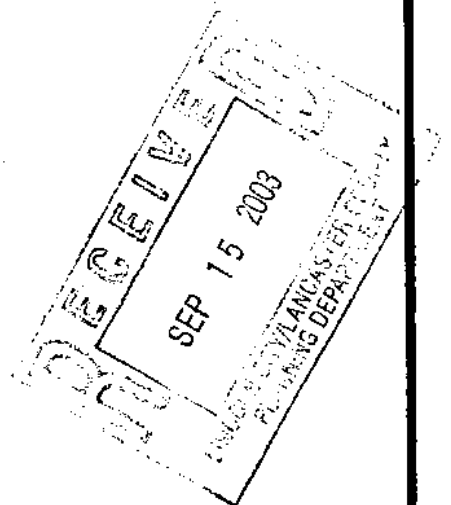
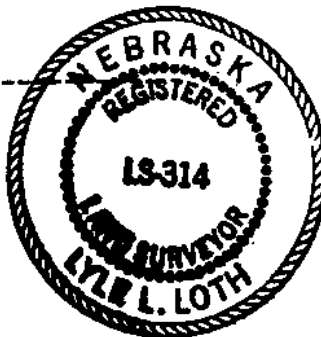
containing 257.08 acres, more or less.

Permanent monuments have been placed at all lot corners, street intersections, points of curvature and at all other points required by the City of Lincoln, Land Subdivision Ordinance, Title 26 of the Lincoln Municipal Code.

All dimensions are chord measurements unless shown otherwise, and are in feet or in decimals of a foot.

Signed this 3rd day of September, 2003.

  
Lyle L. Loth, L.S. 314  
E-S-A, Inc.  
601 Old Cheney Road Suite A  
Lincoln, NE 68512  
(402) 421-2500



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